

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Robert R. Kaniuff, : Case No. 19-20243-GLT

Debtor : Chapter 13

\*\*\*\*\*

Robert R. Kaniuff, :  
Movant : Related to Document No. 94

vs. :  
Hearing Date & Time:  
November 18, 2020 at 10:00 AM

The Bank of New York Mellon,  
c/o Select Portfolio Servicing,  
Respondent

And

Ronda J. Winnecour, Esquire  
Chapter 13 Trustee,

Respondent

\*\*\*\*\*

**AMENDED ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY  
FREE AND DIVESTED OF LIENS**

AND NOW, this 30th day of November 2020, on consideration of the  
*Movants' Motion for Sale of Property Free and Divested of Liens* to **288 Paul St LLC at 288 Paul  
Street, Pittsburgh, PA 15211**, for **\$155,000.00**, after hearing held in: (Courtroom A, 54<sup>th</sup> Floor,  
U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219), this date, the Court finds:

1. That service of the notice of Hearing and Order setting hearing on said Motion  
for private sale of real property free and divested of liens of the above named Respondent, was  
effected on the following secured creditor whose liens are recited in said Motion for private sale,  
viz:

**DATE OF SERVICE**

October 14, 2020

**NAME OF LIEN OR/AND SECURITY**

The Bank of New York Mellon  
c/o Select Portfolio Servicing  
P.O. Box 65250  
Salt Lake City, UT 84165-0250

KML Law Group, P.C.  
701 Market Street, Suite 5000  
Philadelphia, PA 19106  
Attn: Brian C. Nicholas, Esquire  
Collateral – real property located at 288  
Paul Street, Pittsburgh, PA 15211

October 14, 2020

Ronda J. Winnecour, Chapter 13 Trustee  
Suite 3250, US Steel Building  
600 Grant Street  
Pittsburgh, PA 15219

2. That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditor(s) and parties in interest by the moving party as shown by the certificate of service duly filed and that the named parties were duly served with the Motion.

3. That at the sale hearing, the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in the cancellation of said sale.

4. That the price of \$ 155,000.00 offered by 288 Paul St LLC was a full and fair price for the property in question.

5. That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with *In re: Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d., 143 (3<sup>rd</sup> Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED**, that the sale by General Warranty deed of the real property described as 288 Paul Street, Pittsburgh, PA 15211 is hereby **CONFIRMED** to 288 Paul St LLC for \$155,000.00, free and divested of the above recited liens and claims, that the Movant is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of the sale.

**IT IS FURTHER ORDERED**, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

**FURTHER ORDERED** that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically

authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following liens/claims: The Bank of New York Mellon; payoff \$103,730.95
- (2) Delinquent real estate taxes, Prorated at closing.
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) Court approved attorney fees in the amount of \$1,500.00;
- (5) Advertising expense \$161.00 Pittsburgh Legal Journal and Post Gazzette\$70.00;
- (6) Chapter 13 Trustee “[percentage fees” in the amount of \$490.34 payable to Ronda J. Winnecour, Chapter 13 Trustee P.O . Box 2587, Pittsburgh, PA 15230;
- (7) Proceeds to be held by trustee pending further order of Court for distribution according to confirmed plan and shall be earmarked for distribution of timely-filed unsecured claims.

**FURTHER ORDERED** that:

1. ***Within seven (7) days of the date of this Order***, the Movant shall serve a copy of the within ***Order*** on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.
2. ***Closing shall occur within thirty (30) days of this Order.***
3. ***Within seven (7) days following the closing***, the Movant shall file a ***Report of Sale***, which shall include a copy of the HUD-1 or other Settlement Statement; and
4. This ***Sale Confirmation Order*** survives any dismissal or conversion of the within case.
5. The Debtor shall file an amended chapter 13 plan within 30 days of the sale closing.

BY THE COURT:

  
Gregory L. Taddonio, jah  
United States Bankruptcy Judge

In re:  
Robert R Kaniuff  
Debtor(s)

Case No. 19-20243-GLT  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Nov 30, 2020

User: culy  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 02, 2020:

Recip ID	Recipient Name and Address
db	+ Robert R Kaniuff, 118 Crooks School Rd, Clinton, PA 15026-1548

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 02, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 30, 2020 at the address(es) listed below:

Name	Email Address
Beth L. Slaby	on behalf of Creditor Dollar Bank FSB bslaby@grenenbirsic.com, mcupec@grenenbirsic.com
Brian Nicholas	on behalf of Creditor THE BANK OF NEW YORK MELLON ET.AL. bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor The Bank of New York Mellon successor to The Bank of New York, not in its individual capacity but solely as Trustee on behalf of the holders of the CIT Mortgage Loan Trust, 2007-1 Asset-Backed Certif bnicholas@kmlawgroup.com
Christopher J. Azzara	on behalf of Creditor GreatAmerica Financial Services Corporation cazzara@smgglaw.com ccallahan@smgglaw.com;kmaiorano@smgglaw.com;klaraba@smgglaw.com
David W. Raphael	on behalf of Creditor Dollar Bank FSB raphaeld@fnb-corp.com

District/off: 0315-2

User: culy

Page 2 of 2

Date Rcvd: Nov 30, 2020

Form ID: pdf900

Total Noticed: 1

Keri P. Ebeck

on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com

Lawrence W. Willis

on behalf of Debtor Robert R Kaniuff ecf@westernpabankruptcy.com urfreshstrt@gmail.com;willislr88866@notify.bestcase.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

Thomas Song

on behalf of Creditor THE BANK OF NEW YORK MELLON ET. AL. pawb@fedphe.com

Thomas Song

on behalf of Creditor THE BANK OF NEW YORK MELLON ET.AL. pawb@fedphe.com

TOTAL: 11